

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAKETA S. JOLLY,

Plaintiff,

v.

JOHN WADE HERMINA

Defendant.

Case No. 2:22-cv-00432-ART-VCF

ORDER

I. SUMMARY

Pro se Plaintiff Maketa Jolly brings this action under 42 U.S.C. § 1983 against Defendant John Wade Hermina. (ECF No. 1-1.) Before the Court is a Report and Recommendation (“R&R”) of United States Magistrate Judge Cam Ferenbach (ECF No. 6) recommending the Court deny Plaintiff’s Application to Proceed *in forma pauperis* (ECF No. 4) and dismiss Plaintiff’s Complaint (ECF No. 1-1). Plaintiff filed an objection to the R&R. (ECF No. 7(“Objection”).) Because the Court agrees with Judge Ferenbach’s analysis, the Court will adopt the R&R in full. Accordingly, the Court dismisses Plaintiff’s Complaint for lack of jurisdiction.

II. BACKGROUND

The Court incorporates by reference Judge Ferenbach’s recitation of Plaintiff’s allegations in the complaint, provided in the R&R, which the Court adopts. (ECF No. 6 at 4.) Plaintiff brings claims against her former attorney and his law firm, John Hermina and the Hermina Law Group, regarding their representation in cases before the United States District of New York and the United States District of Pennsylvania in 2004, because she was unhappy with their services. (ECF No. 6 at 4.)

1 **III. LEGAL STANDARD**

2 This Court “may accept, reject, or modify, in whole or in part, the findings
3 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
4 a party timely objects to a magistrate judge’s report and recommendation, then
5 the Court is required to “make a de novo determination of those portions of the
6 [report and recommendation] to which objection is made.” *Id.* The Court’s review
7 is thus de novo because Plaintiff filed her Objection. (ECF No. 7.)

8 **IV. DISCUSSION**

9 Plaintiff argues in her Objection that this Court should exercise diversity
10 jurisdiction over her case pursuant to 28 U.S.C. § 1332. However, as Judge
11 Ferenbach notes, “none of the parties are citizens of Nevada and nothing [Jolly]
12 complains of happened in Nevada.” (ECF No. 6 at 5.) Thus, this Court lacks
13 personal jurisdiction. The Court therefore denies Plaintiff’s Application to Proceed
14 *in forma pauperis* and dismisses Plaintiff’s Complaint.

15 **V. CONCLUSION**

16 It is therefore ordered that Plaintiff’s objection (ECF No. 7) to the Report
17 and Recommendation of U.S. Magistrate Judge Ferenbach is overruled. The
18 Report and Recommendation (ECF No. 6) is therefore adopted in full.

19 It is further ordered that the Plaintiff’s Application to Proceed *in forma*
20 *pauperis* (ECF No. 4) is denied.

21 It is further ordered that Plaintiff’s Complaint (ECF No. 1-1) is dismissed.

22 It is further ordered that the Clerk of Court enter the judgment accordingly.

23
24 DATED THIS 17th Day of AUGUST 2023.

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27 ANNE R. TRAUM
28 UNITED STATES DISTRICT JUDGE